HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: CRIMINAL PETITION No.18777 of 2026

PROCEEDING SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
02.	12.11.2026	**JSR, J** **I.A.No.1 of 2026** Dispensed with for the present. **JSR,J** **I.A.No.3 of 2026** This application has been filed invoking the provisions of Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, seeking permission to implead the petitioner/*de facto* complainant as a party-respondent in Crl.P.No.18777 of 2026. Heard Mr. P.Gangaiah Naidu, learned Senior Counsel, representing Mr. K. Venkat Reddy, learned counsel for the petitioner through video conference, Mr. J. Prabhakar, learned Senior Counsel, representing Ms. Gundlapalli V.S.S.S. Sruthi, learned counsel for respondent No.2 and Mr. M. Vivekananda Reddy, learned Assistant Public Prosecutor, appearing on behalf of respondent No.1-State. Learned Senior Counsel for the petitioner submits that the petitioner is the *de facto* complainant. Respondent No.2 filed Crl.P.No.18777 of 2026 without making the petitioner as party-respondent. The petitioner, being *de facto* complainant, is entitled to seek impleadment as a party-respondent and his presence is very much required for adjudication of the present criminal petition. In support of his contentions, learned Senior Counsel relied upon the	Transferred to i.o. folder before corrections, if any.

		principle laid down by the Hon'ble Apex Court in **J.K. International v. State (Govt. Of NCT of Delhi) and others**[1] and **Practical Solutions Inc. (Thr. Authorized Representative) v. State of Telangana and Others**[2]**.** *Per contra,* Mr. J. Prabhakar, learned Senior Counsel appearing for respondent No.2, contended that basing on the petition filed by the Investigating Officer, the learned trial Court had granted police custody of respondent No.2. Aggrieved by the same, respondent No.2 approached this Court and filed the present criminal petition. Whether the Investigating Officer is entitled to seek police custody of respondent No.2 is an issue to be adjudicated between respondent No.2 and the Investigating Officer and the presence of the petitioner is not required in the present case. Hence, the petitioner/*de facto* complainant is not entitled to seek permission to implead him as a party respondent. In support of his contention, learned Senior Counsel relied upon the principle laid down by the Hon'ble Apex Court in ***P. Chidambaram v. Directorate of Enforcement***[3]***, Praveen Kumar Prakash and ors v. State of Jharkhand and ors***[4]***, Dukhishyam Benupani, Asstt. Director, Enforcement Directorate (FERA) v. Arun Kumar Bajoria*** [5]**.** Learned Assistant Public Prosecutor submits that the petitioner, being the *de facto* complainant, is entitled to seek implead him as party respondent to participate at every stage post the occurrence of an offence. In support of his contention, he relied upon the principle laid down by the Hon'ble Apex Court in ***Jagjeet Singh and others v. Ashish Mishra Alias Monu and another***[6]**.**	

[1] (2001) 3 SCC 462
[2] 2026 SCC OnLine SC 923
[3] (2019) 9 SCC 24
[4] 2020 (1) AICLR 794
[5] AIR 1998 SC 696
[6] (2022) 9 SCC 321

Having considered the rival submissions made by the respective parties and upon after perusal of the material available on record, it reveals that respondent No.2 filed Crl.P.No.18777 of 2026 aggrieved by the order passed in Crl.M.P.No.714 of 2026 in Cr.No.137 of 2025 dated 06.11.2026, whereunder, the learned trial Court granted police custody of respondent No.2/accused for a period of three days.

The record further reveals that respondent No.2/accused had earlier approached this Court and filed Crl.P.Nos.17931, 17932 and 18209 of 2026, aggrieved by the order passed by the learned trial Court dated 17.10.2026, 12.10.2026 and 29.10.2026 respectively. In Crl.P.No.17932 of 2026, the petitioner herein was made as a party respondent No.2 and this Court, after hearing the respective parties, disposed of the said criminal petition along with the connected matters, by way of common order, dated 02.11.2025. The impugned order passed by the learned trial Court is arising out of the very same crime. Hence, this Court is of the considered view that the petitioner is entitled to seek impleadment as a party respondent in the present criminal petition

Accordingly, this application is allowed. It is needless to mention that the question of law as to whether the *de facto* complainant/victim is entitled to participate in proceedings arising out of the orders granting police custody or judicial custody, is left open for consideration in an appropriate case.

The Registry is directed to carryout necessary amendments.

JSR,J

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